

# Senate Study Bill 1041

SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
PUBLIC SAFETY BILL)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to enforcement of motor vehicle law provisions  
2 and making penalties applicable.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 1034DP 80  
5 jm/cf/24

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1 1 Section 1. Section 321.1, subsection 30, Code 2003, is  
1 2 amended to read as follows:  
1 3 30. "Guaranteed arrest bond certificate" means any  
1 4 printed, unexpired certificate issued by an automobile club or  
1 5 association to any of its members, or any printed, unexpired  
1 6 certificate issued by an insurance company authorized to write  
1 7 automobile liability insurance within this state, which ~~said~~  
1 8 certificate is signed by such member or insured and contains a  
1 9 printed statement that such automobile club, association, or  
1 10 insurance company and a surety company which is doing business  
1 11 in this state under the provisions of section 515.48,  
1 12 subsection 2, guarantee the appearance of the person whose  
1 13 signature appears on the certificate and that they will, in  
1 14 the event of failure of such person to appear in court at the  
1 15 time of trial, pay any fine or forfeiture imposed on such  
1 16 person in an amount not to exceed ~~two hundred~~ one thousand  
1 17 dollars. If such insurance company is itself qualified under  
1 18 the provisions of section 515.48, subsection 2, ~~then it the~~  
1 19 insurance company may be its own surety. Bail in this form  
1 20 shall be subject to the forfeiture and enforcement provisions  
1 21 with respect to bail bonds in criminal cases as provided by  
1 22 law.

1 23 Sec. 2. Section 321.218, subsection 1, Code 2003, is  
1 24 amended to read as follows:  
1 25 1. A person whose driver's license or operating privilege  
1 26 has been denied, canceled, suspended, or revoked as provided  
1 27 in this chapter or as provided in section 252J.8, 261.126, or  
1 28 section 901.5, subsection 10, and who operates a motor vehicle  
1 29 upon the highways of this state while the license or privilege  
1 30 is denied, canceled, suspended, or revoked, commits a simple  
1 31 misdemeanor. In addition to any other penalties, the  
1 32 punishment imposed for a violation of this subsection shall  
1 33 include assessment of a fine of not less than two hundred  
1 34 fifty dollars nor more than one thousand five hundred dollars.

1 35 Sec. 3. Section 321.302, Code 2003, is amended to read as  
2 1 follows:  
2 2 321.302 OVERTAKING ~~ON THE RIGHT AND OTHERWISE~~.  
2 3 1. ~~The~~ Unless otherwise prohibited by law, the driver of a  
2 4 vehicle on a roadway with unobstructed pavement of sufficient  
2 5 width for two or more lines of traffic moving in the same  
2 6 direction as the vehicle being passed may overtake and pass  
2 7 upon the right of another vehicle which is making or about to  
2 8 make a left turn.

2 9 2. The driver of a vehicle may overtake and, allowing  
2 10 sufficient clearance, pass another vehicle proceeding in the  
2 11 same direction either upon the left or upon the right on a  
2 12 roadway with unobstructed pavement of sufficient width for  
2 13 four or more lines of moving traffic when such movement can be  
2 14 made in safety.

2 15 3. ~~No person~~ The driver of a vehicle shall not drive off  
2 16 the pavement or upon the shoulder of the roadway or upon the  
2 17 apron or roadway of an intersecting roadway in overtaking or  
2 18 passing on the right or the left.

2 19 3 4. A person convicted of a violation of this section is  
2 20 guilty of a simple misdemeanor punishable as a scheduled  
2 21 violation under section 805.8A, subsection 6, paragraph "d".

2 22 Sec. 4. Section 321.486, subsection 1, Code 2003, is  
2 23 amended to read as follows:

2 24 1. A current guaranteed arrest bond certificate as defined  
2 25 in section 321.1, subsection 30 shall be considered sufficient  
2 26 surety if the defendant is charged with an offense where the  
2 27 penalty does not exceed ~~two hundred~~ one thousand dollars.

2 28 Sec. 5. Section 321K.1, subsection 1, paragraph a, Code  
2 29 2003, is amended to read as follows:

2 30 a. The licensing and financial liability coverage of  
2 31 operators of motor vehicles.

2 32 Sec. 6. Section 805.6, subsection 1, paragraph c,  
2 33 subparagraph (3), Code 2003, is amended by striking the  
2 34 subparagraph.

2 35 EXPLANATION

3 1 This bill relates to the enforcement of motor vehicle law  
3 2 provisions.

3 3 Code sections 321.1 and 321.486, relating to a guaranteed  
3 4 arrest bond certificate, are amended. The bill increases the  
3 5 maximum amount of a guaranteed arrest bond certificate from  
3 6 \$200 to \$1,000. A guaranteed arrest bond certificate is a  
3 7 guarantee by another person that if the defendant fails to  
3 8 appear in court at the time of trial, the person will pay any  
3 9 fine or forfeiture not exceeding \$1,000 imposed on the  
3 10 defendant.

3 11 Code section 321.218, relating to suspension of a driver's  
3 12 license, is amended. Current law in Code section 261.126  
3 13 provides that the driver's license of a person may be  
3 14 suspended if the person defaults on the person's student  
3 15 loans. The bill makes it a simple misdemeanor for operating a  
3 16 motor vehicle while under suspension for defaulting on student  
3 17 loans.

3 18 Code section 321.302, relating to passing a motor vehicle,  
3 19 is amended. The bill provides that a driver of a vehicle may  
3 20 overtake and pass on the right of another vehicle which is  
3 21 making a left turn only on a roadway with unobstructed  
3 22 pavement of sufficient width for two or more lines of traffic  
3 23 moving in the same direction as the vehicle being passed. The  
3 24 bill also provides that the driver shall not drive off the  
3 25 pavement or upon the shoulder of the roadway or upon the apron  
3 26 or roadway of an intersecting roadway in overtaking or passing  
3 27 on the right or the left.

3 28 Code section 321K.1, relating to a law enforcement agency  
3 29 conducting a routine motor vehicle roadblock, is amended. In  
3 30 addition to the purposes for routine roadblocks outlined in  
3 31 Code section 321K.1, the bill provides that a law enforcement  
3 32 agency may also check for financial liability coverage during  
3 33 a routine roadblock. If a driver is unable to provide proof  
3 34 of financial liability coverage, the violation is punishable  
3 35 under Code section 321.20B.

4 1 Code section 805.6, relating to the uniform citation and  
4 2 complaint, is amended. The bill eliminates the requirement  
4 3 for an appearance bond in a motor vehicle accident that  
4 4 involves damages which are less than \$1,000 because an  
4 5 appearance bond is already required under Code section 805.6,  
4 6 subsection 1, paragraph "c", subparagraph (1), (2), or (4).  
4 7 An unsecured appearance bond authorizes the court to enter a  
4 8 conviction and render judgment against a defendant in the  
4 9 amount of the unsecured appearance bond if the defendant fails  
4 10 to appear in court.

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